

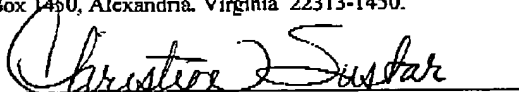
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PATENT

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being faxed to 571-273-8300 on the date shown below to Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: 3-28-06
Christine R. Sustar**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Applicant(s): Lucius Gregory Meredith
et al.

Examiner: Trenton J. Roche

Serial No: 09/560,371

Art Unit: 2193

Filing Date: April 28, 2000

Title: BINDING FOR BUSINESS WORKFLOW PROCESSES

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPEAL BRIEF

Dear Sir:

Appellants' representative submits this brief in connection with an appeal of the above-identified patent application. A credit card payment form is filed concurrently herewith in connection with all fees due regarding this appeal brief. In the event any additional fees may be due and/or are not covered by the credit card, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [MSFTP102US].

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I. Real Party in Interest (37 C.F.R. §41.37(c)(1)(i))

The real party in interest in the present appeal is Microsoft Corporation, the assignee of the present application.

II. Related Appeals and Interferences (37 C.F.R. §41.37(c)(1)(ii))

Appellants, appellants' legal representative, and/or the assignee of the present application are not aware of any appeals or interferences which may be related to, will directly affect, or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims (37 C.F.R. §41.37(c)(1)(iii))

Claims 8-25 stand rejected by the Examiner. The rejection of claims 8-25 is being appealed.

IV. Status of Amendments (37 C.F.R. §41.37(c)(1)(iv))

No claim amendments have been entered after the Final Office Action.

V. Summary of Claimed Subject Matter (37 C.F.R. §41.37(c)(1)(v))**A. Independent Claim 8**

Independent claim 8 recites a system that facilitates modeling of business processes comprised of a plurality of business operations, comprising: a computer-readable medium; and a plurality of computer-executable files comprising: a scheduling component that employs a dataflow diagram to define a flow of business operations, the dataflow diagram includes actions coupled *via* data flowing between them, wherein the scheduling component employs XML programming language; and a binding component that binds the plurality of business operations through a schedule message, a port connection, a port and a message interface with a component outside of the dataflow diagram, wherein the binding component employs XML programming language. (*See e.g.*, pg. 2, line 29 – pg. 3, line 22, pg. 3, line 29 – pg. 4, line 3, pg. 12, line 16 – pg. 14, line 7, pg. 15, line 23 – pg. 16, line 30; *See generally* Figs. 1a, 1d, and 1e).

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B. Independent Claim 16

Independent claim 16 recites a system for facilitating modeling of business processes comprised of a plurality of business operations, the system comprising a computer-readable medium and a plurality of computer-executable files comprising: a scheduling component that defines the flow of business operations in a schedule, wherein the scheduling component is based in XML; and a binding component that separates the schedule from implementations of a workflow and maps actions in the schedule to calls on at least one technological component, wherein the binding component is based in XML. (*See e.g.*, pg. 2, line 29 – pg. 3, line 22, pg. 3, line 29 – pg. 4, line 3, pg. 12, line 16 – pg. 14, line 7, pg. 15, line 23 – pg. 16, line 30; *See generally* Figs. 1a, 1d, and 1e).

C. Independent Claim 22

Independent claim 22 recites a computer implemented business process scheduling software comprising: a data flow module that allows a user to define a flow of business operations in a file that is utilized with a plurality of disparate business implementations, wherein the data flow module utilizes XML programming language; and a binding module that allows a user to define a link between the file with business operations and the plurality of disparate business implementations, wherein the binding module utilizes XML programming language. (*See e.g.*, pg. 2, line 29 – pg. 3, line 22, pg. 3, line 29 – pg. 4, line 3, pg. 12, line 16 – pg. 14, line 7, pg. 15, line 23 – pg. 16, line 30; *See generally* Figs. 1a, 1d, and 1e).

D. Dependent Claim 25

Dependent claim 25 recites the software of claim 22, the link is provided in a programmable language having XML syntax. (*See e.g.*, pg. 20, line 26 – pg. 22, line 16; *See generally* Figs. 3-5).

VI. Grounds of Rejection to be Reviewed (37 C.F.R. §41.37(c)(1)(vi))

A. Claims 8-25 stand rejected under 35 U.S.C. §103(a).

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VII. Argument (37 C.F.R. §41.37(c)(1)(vii))**A. Rejection of Claims 8-25 Under 35 U.S.C. §103(a)**

Claims 8-25 stand rejected under 35 U.S.C. §103(a) as being anticipated by Boden *et al.* (US 5,930,512) in view of Lau (US 6,598,219 B1). It is requested that this rejection be reversed for at least the following reason. Boden *et al.* and Lau, alone or in combination, do not teach or suggest all the limitations of the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) ***must teach or suggest all the claim limitations***. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Appellants' claimed invention relates to using XML to employ a binding for interfacing a business workflow process executable program to a real world implementation (See pg. 2, line 29 – pg. 3, line 2), where the separation of the business workflow processes and the binding of technological components allows a business workflow process to be implemented across a variety of different technologies. (See pg. 3, ll. 2-8).

1. Rejection of Claims 8, 16, and 22

In particular, independent claims 8, 16, and 22 recite a similar limitation: ***a binding component that binds the plurality of business operations through a schedule message, a port connection, a port and a message interface with a component outside***

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of the dataflow diagram. Binding business operations *outside* a dataflow diagram enables any given workflow process to be flexibly utilized for multiple business operations. Boden *et al.* and Lau, alone or in combination, do not teach or suggest this aspect of the invention as claimed.

Boden *et al.* involves the use of a web server and workflow server for process modeling. (See Abstract). The Examiner contends that Boden *et al.* discloses the above limitation at col. 5, ll. 21-22 and col. 7, ll. 29-31. (See Final Office Action dated November 1, 2005, pg. 3). Appellants' representative respectfully disagrees with such contention.

At the indicated passages, Boden *et al.* discusses a program that is invoked when the assigned program activity starts (See col. 5, ll. 21-22) and adequately supports the work of the activity. (See col. 7, ll. 29-31). Although the cited reference indicates the capability of running and supporting a program activity, it fails to teach or suggest *a binding component that binds the plurality of business operations through a schedule message, a port connection, a port and a message interface with a component outside of the dataflow diagram.* Rather, there is no indication that the mentioned activities are separated from the workflow or dataflow diagram.

The Examiner erroneously responds that the application programs in Boden *et al.* are not part of the process diagram as described at col. 5, ll. 20-22 and col. 7, ll. 29-31, but are considered to be separated from the diagram. (See Advisory Action dated January 26, 2006, pg. 2). Appellants' representative avers to the contrary.

The above passages appear to discuss an aspect where a program is invoked when an activity is started (See col. 5, ll. 20-22) and that program supports the work to be completed by the activity. (See col. 7, ll. 29-31). The cited reference still fails to teach or suggest the aspect noting separation of business operations from the dataflow diagram, as claimed. The reference does not indicate that the program is bound to a component outside a dataflow diagram, but instead seems to be incorporated into the program and process activities.

In addition, independent claim 8 (and similarly, independent claims 16 and 22) recites that the *scheduling component employs XML programming language* and the *binding component employs XML programming language.* XML provides numerous

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advantages for appellants' invention, including: allowing a user to specify dependency and independence between components, transaction, compensation, and checkpoint boundaries (*See* pg. 21, ll. 3-4), allowing a user to specify mechanisms for abstracting the workflow from the implementations of the components (*See* pg. 21, ll. 5-6), defining the abstract location where a message is to be sent and received (*See* pg. 22, ll. 3-5), allowing a user to specify the ordering of individual actions and whether those actions are performed sequentially or concurrently (*See* pg. 22, ll. 5-7), and describing elaborate ordering of actions. (*See* pg. 22, ll. 11-12). Boden *et al.* and Lau, alone or in combination, fail to teach or suggest this aspect of the claimed invention.

The Examiner concedes that Boden *et al.* does not disclose a scheduling and binding component employing XML (*See* Final Office Action dated November 1, 2005, pg. 3), but erroneously contends that Lau discloses an analogous software model employing XML at col. 2, ll. 33-35 and col. 3, ll. 5-20. (*See* Final Office Action dated November 1, 2005, pg. 3). Appellants' representative respectfully disagrees.

Lau relates to a data model expressed in XML. (*See* Abstract). The above noted passages describe XML-based data elements corresponding to tasks (*See* col. 3, ll. 5-20), where the open standard refers to universally known and understood functions. (*See* col. 2, ll. 33-35). Open standard allows different users to be able to recognize the code, which is an advantage of using XML. The inherent characterizations of the XML language itself do not provide a motivation to combine the language of Lau with the model of Boden *et al.* It is not obvious to one of ordinary skill in the art to employ the XML language to a scheduling component and a binding component simply because Lau appears to discuss the generic advantages of the language with respect to individual data elements.

2. Rejection of Claim 25

Furthermore, claim 25 recites that *the link is provided in a programmable language having XML syntax*. Boden *et al.* and Lau, alone or in combination, fail to teach or suggest the utilization of XML with respect to the scheduling and binding module, let alone for the *link* between the file with business operations and the plurality of disparate business implementations.

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In view of at least the foregoing, it is readily apparent that Boden *et al.* and Lau, alone or in combination, do not teach or suggest the invention as recited in independent claims 8, 16, and 22 (and associated dependent claims 9-15, 17-21, and 23-25). Accordingly, this rejection should be reversed.

B. Conclusion

For at least the above reasons, the claims currently under consideration are believed to be patentable over the cited references. Accordingly, it is respectfully requested that the rejections of claims 8-25 be reversed.

If any additional fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP102US].

Respectfully submitted,
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VIII. Claims Appendix (37 C.F.R. §41.37(c)(1)(viii))

1-7. (Cancelled)

8. A system that facilitates modeling of business processes comprised of a plurality of business operations, comprising:

a computer-readable medium; and

a plurality of computer-executable files comprising:

a scheduling component that employs a dataflow diagram to define a flow of business operations, the dataflow diagram includes actions coupled *via* data flowing between them, wherein the scheduling component employs XML programming language; and

a binding component that binds the plurality of business operations through a schedule message, a port connection, a port and a message interface with a component outside of the dataflow diagram, wherein the binding component employs XML programming language.

9. The system of claim 8, the binding component further defines technology specific information for binding business operations to at least one technological component.

10. The system of claim 8, the binding component binds a single business operation to a plurality of technological components.

11. The system of claim 8, further comprising a binding file that provides port and message mapping between business operations and between business operations and technological components.

12. The system of claim 8, the binding component further defines message structure and declares messages.

13. The system of claim 8, the binding component further defines context semantics.

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14. The system of claim 8, the binding component further defines schedule conditionals.
15. The system of claim 8, further including a second binding component that binds the business operations with a second component outside of the dataflow diagram.
16. A system for facilitating modeling of business processes comprised of a plurality of business operations, the system comprising a computer-readable medium and a plurality of computer-executable files comprising:
- a scheduling component that defines the flow of business operations in a schedule, wherein the scheduling component is based in XML; and
 - a binding component that separates the schedule from implementations of a workflow and maps actions in the schedule to calls on at least one technological component, wherein the binding component is based in XML.
17. The system of claim 16, the binding component binds a single business operation to a plurality of technological components.
18. The system of claim 16, business operations are actions connected by data flowing between them and actions are ports and messages wherein a binding file provides virtual port and message mapping between business operations and between business operations and technological components.
19. The system of claim 16, the binding component further defines message structure and declares messages.
20. The system of claim 16, the binding component further defines context semantics.
21. The system of claim 16, the binding component further defines schedule conditionals.

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22. A computer implemented business process scheduling software comprising:
a data flow module that allows a user to define a flow of business operations in a file that is utilized with a plurality of disparate business implementations, wherein the data flow module utilizes XML programming language; and
a binding module that allows a user to define a link between the file with business operations and the plurality of disparate business implementations, wherein the binding module utilizes XML programming language.
23. The software of claim 22, the binding module further allowing the user to specify the business implementation to apply to a business process.
24. The software of claim 22, the binding module further allowing the user to specify programmable semantics of the data flow module.
25. The software of claim 22, the link is provided in a programmable language having XML syntax.
- 26-28. (Cancelled)

IX. Evidence Appendix (37 C.F.R. §41.37(c)(1)(ix))

None.

X. Related Proceedings Appendix (37 C.F.R. §41.37(c)(1)(x))

None.